



Reprinted
March 6, 2001

HOUSE BILL No. 1455

DIGEST OF HB 1455 (Updated March 5, 2001 1:45 PM - DI 87)

Citations Affected: IC 7.1-3; IC 7.1-4; IC 7.1-5; noncode.

Synopsis: Alcoholic beverages. Allows a person at least 19 years of age but less than 21 years of age who has completed a server training program to serve alcoholic beverages in a dining area or family room of a restaurant or hotel in the course of the person's employment as a waiter, waitress, or server while under the supervision of a person who is at least 21 years of age and who is present at the restaurant or hotel. Adds a holder of a beer wholesaler's permit to those persons required to pay the excise tax on hard cider. Allows a premises to be located within 200 feet of a church if the commission determines that the church does not object. Provides that if the commission determines the church does not object, the commission's determination applies to any renewal of the permit for the premises. Requires the alcoholic beverage commission to report to the legislative council a recommendation to improve the quota allocations of alcoholic beverage permits.

Effective: Upon passage; July 1, 2001.

Kuzman, Burton, Ruppel

January 11, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
February 26, 2001, amended, reported — Do Pass.
March 5, 2001, read second time, amended, ordered engrossed.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1455

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-21-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) As used in this
3 section, "wall" means a wall of a building. The term does not include
4 a boundary wall.
5 (b) Except as provided in subsection (c), the commission shall not
6 issue a permit for a premises if a wall of the premises is situated within
7 two hundred (200) feet from a wall of a school or church, if no permit
8 has been issued for the premises under the provisions of Acts 1933,
9 Chapter 80.
10 (c) This subsection applies to a county having a population of more
11 than one hundred eight thousand nine hundred fifty (108,950) but less
12 than one hundred twelve thousand (112,000) the commission shall not
13 issue a permit for a premises if a wall of the premises is situated within
14 two hundred (200) feet from a wall of a school or church unless:
15 (1) the permit is a beer dealer or wine dealer permit for a grocery
16 store
17 (2) the main entrance of the grocery store and the main entrance

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of the school or church face different streets or roads;

(3) there is a physical barrier between the grocery store and the school or church that prevents a person from moving between the two (2) properties; and

(4) a wall of the grocery store is not situated within one hundred (100) feet from a wall of the school or church.

(c) This section does not apply to premises if:

(1) a wall of the premises is situated within two hundred (200) feet from a wall of a church; and

(2) the commission determines that the church does not object to the issuance of the permit for the premises.

(d) If the church tenders a waiver and it is accepted by the commission, this section does not apply to the permit premises on a subsequent renewal or transfer of ownership. The commission shall base its determination under subsection (c)(2) on the written statement or statements of the authorized representative of the church.

SECTION 2. IC 7.1-4-4.5-3, AS AMENDED BY P.L.201-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The hard cider excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, **a beer wholesaler's permit**, a dining car wine permit, or a boat wine permit on the hard cider to which the tax is applicable and that is manufactured or imported by the person into this state. However, an item may only be taxed once for hard cider excise tax purposes.

SECTION 3. IC 7.1-5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. ~~Employment of Minors Prohibited:~~ **Except as provided in section 13 of this chapter,** it is a Class B misdemeanor for a person to employ a minor in or about a place where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, in a capacity which requires or allows the minor to sell, furnish, or otherwise deal in alcoholic beverages.

SECTION 4. IC 7.1-5-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. ~~Employment of Minors: Exceptions:~~ **The provisions of IC 1971, 7.1-5-7-12, shall** Section 12 of this chapter does not prohibit the following:

(1) The employment of a person **at least** eighteen (18) years of age ~~or older~~ **but less than twenty-one (21) years of age** on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

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- 1 (A) selling;
 2 (B) furnishing, **other than serving**;
 3 (C) consuming; or
 4 (D) otherwise dealing in;
 5 alcoholic beverages. ~~Nor shall the provisions of IC 1971,~~
 6 ~~7-1-5-7-12, prohibit~~
 7 (2) A person **at least** eighteen (18) years of age ~~or older~~ **but less**
 8 **than twenty-one (21) years of age** from ringing up a sale of
 9 alcoholic beverages in the course of ~~his~~ **the person's**
 10 employment.
 11 (3) A person **at least** nineteen (19) years of age **but less than**
 12 **twenty-one (21) years of age** who:
 13 (A) **has successfully completed a server training program**
 14 **approved by the alcoholic beverage commission before**
 15 **applying for an employee permit; and**
 16 (B) **serves alcoholic beverages in a dining area or family**
 17 **room of a restaurant or hotel:**
 18 (i) **in the course of a person's employment as a waiter,**
 19 **waitress, or server; and**
 20 (ii) **under the supervision of a person who is at least**
 21 **twenty-one (21) years of age and is present at the**
 22 **restaurant or hotel.**
 23 **This subdivision does not allow a person at least nineteen (19)**
 24 **years of age but less than twenty-one (21) years of age to be a**
 25 **bartender.**
 26 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **Not later than**
 27 **December 31, 2001, the alcoholic beverage commission shall report**
 28 **to the legislative council a recommendation to improve the quota**
 29 **allocations of alcoholic beverage permits.**
 30 (b) **This SECTION expires January 1, 2002.**
 31 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1455, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1455 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 11, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1455 be amended to read as follows:

Page 2, line 12, beginning with "If" begin a new paragraph and insert "**(d)**".

Page 2, line 13, delete "subsection (b)" and insert "**this section**".

Page 2, line 15, delete "subdivision (2)" and insert "**subsection (c)(2)**".

Page 3, line 12, delete "from serving alcoholic beverages" and insert "**who:**".

Page 3, delete lines 13 through 18, begin a new line double block indented and insert:

"(A) has successfully completed a server training program approved by the alcoholic beverage commission before applying for an employee permit; and

(B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:

(i) in the course of a person's employment as a waiter, waitress, or server; and

(ii) under the supervision of a person who is at least twenty-one (21) years of age and is present at the restaurant or hotel."

(Reference is to HB 1455 as printed February 27, 2001.)

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